IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1892 OF 2004

Sou Manali Ajay Shukla & Anr. ..Petitioners

versus

State of Maharashtra & Ors. ..Respondents

Mr. S. M. Oak for the Petitioners.

Dr. F. R. Shaikh, Additional P.P. for the Respondents - State.

CORAM : D. G. DESHPANDE, J.

DATE : 8TH AUGUST, 2006

ORAL ORDER : (IN CHAMBER)

1. Heard Advocate for the Petitioners and learned APP for the State.

2. Both the petitioners Sou. Manali Ajay Shukla and husband - Ajay Sharad Shukla are present. So also Respondent Nos. 2 to 5 are present.

3. The petition is filed for quashing the complaint dated 1.12.1994 registered at Dahisar Police Station, filed by the petitioner No.1 Sou. Manali against her former husband and in-laws. Now,

she has married to petitioner No.2. Copy of the complaint filed by the petitioner No.1 is annexed at Exhibit 'A' to this petition. This complaint is creating obstruction in the matrimonial life of the petitioner No.1 with the Petitioner No.2.

4. Looking to the peculiar nature of this prayer, where the complainant - Petitioner No.1 herein, herself is seeking quashing of the complaint under Section 498-A, 307, 34 of IPC. Respondent No.2 who is the former husband of the petitioner No.1 admits the fact of divorce with the petitioner No.1. Respondent Nos. 2 to 5 also state that they have no objection if the complaint filed by the petitioner No.1 against them, is quashed. It is this complaint on the basis of which the charge sheet against respondent Nos. 2 to 5 under Section 498A and 307 i.e. attempt to murder her by forcing poison in her mouth, came to be filed. Now, the petitioner No.1 herself says that she might have lodged the complaint in the heat of passion and anger and therefore she does not want to proceed against the respondents and also the fact that she has married with the petitioner No.2. Respondent Nos. 2 to 5 further state that they do not propose

to take any action against the Petitioners.

5. Looking to the facts and circumstances and also the judgment of the Supreme Court reported in **(2003) 4 Supreme Court Cases 675 B. S. Joshi & Others vs. State of Haryana & Anr.,** the petition is allowed in terms of prayer clause (a) i.e. proceedings in Sessions Case No. 152 of 1996 are quashed and set aside.

(D.G. DESHPANDE, J.)